Remarks/Arguments

This Amendment is filed in response to the Office Action dated June 8, 2006 regarding the above-identified patent application. In that Action, the Examiner (a) objected to the Abstract of the Disclosure, (b) objected to claim 1 under 35 U.S.C. § 112 with regard to certain language presented in that claim, (c) provisionally rejected claims 1 and 4 on the ground of asserted non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 5 of co-pending U.S. Patent Application Serial No. 10/277,384 in view of U.S. Patent No. 5,737,032 to Stenzel et al., (d) rejected claims 1, 2 and 4 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Statutory Invention Registration No. H1506 to Baretta in view of Stenzel et al., and (e) rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Baretta in view of Stenzel et al. further in view of Acharya, U.S. Patent No. 6,628,827.

Applicant has carefully reviewed the Office Action and the Examiner's comments, along with the cited and applied prior art, further has carefully reviewed the disclosure content and the claims presented in this application, and by the present Amendment, proposes certain changes in the claims which are believed to place all claims remaining in this case, on the basis of entry of this Amendment, in conditions for allowance.

By the present Amendment, claims 1, 2 and 4 are currently amended, claim 3 is cancelled without prejudice, and new claims 5-7, inclusive, are added. Applicant's position that all claims now remaining in this application, on the basis of entry of the present Amendment, are patentable is presented below.

However, beginning with the Examiner's various technical objections, his objection

made to the originally presented Abstract of the Disclosure is not well taken. Yes, the first sentence in the Abstract of the Disclosure is indeed a sentence fragment, and that is the classical style used in the presentation of an Abstract of the Disclosure. The Examiner makes careful reference to a specific provision [MPEP § 608.01(b)] in the Manual of Patent Examining Procedure, and so, applicant also makes careful reference to exactly the same provision, pointing out to the Examiner that, under the guidelines there presented for the preparation of patent abstracts, indeed, spelled out in so many words in the MPEP, sample abstracts are provided which clearly illustrate *sentence fragments* as being the appropriate norm for the creation of lead statements in patent application abstracts. Accordingly, applicant, proposes no changes in the Abstract of the Disclosure herein.

The Examiner's other technical objections (a) relating to certain language contained in originally presented claim 1, and (b) relating to provisional rejections of claims 1 and 4 on the asserted ground of non-statutory obviousness-type double patenting, are made moot because of changes proposed herein in the several claims now presented in this application. Accordingly, applicant does not further specifically address these two technical objections.

With respect to now substantively to the claims in this case, applicant does not agree with the Examiner that any combination of the several cited and applied prior art references supports any proper form of obviousness rejection of applicant's claims. While applicant believes that all originally presented claims are clearly distinguishable over the art cited and applied by the Examiner, for at least the reason, contrary to the disagreeing position taken by the Examiner, that there is, in applicant's view, no reference which discloses an asymptotic-like approach toward

obviating the likelihood of clipping occurring as a consequence of color image processing, applicant nevertheless proposes changes in the claims which now make reference to two different, and very specific, anti-clipping asymptote-producing algorithmic processing formulae which find absolutely no counterpart, in any respect, in any of the cited and applied prior art references. Thus, currently amended claim 1 now introduces specific reference to the use of an algorithmic formula as set forth in Table III in the application herein (pictured in Fig. 4 in the drawings). Additionally, applicant has introduced new claim 5 which depends from currently amended claim 1, and which introduces a further limitation that the algorithmic formula specifically set forth now in claim 1 may be modified by the algorithmic formula set forth in Table IV in the application, which modified formula appears in Fig. 5 in the drawings.

Each of these two algorithmic formulae, utilizing a continuous-curve function which is nowhere illustrated or suggested in the prior art references, creates the claimed asymptote-like prevention of clipping.

In the interest of simplifying the language contained in currently amended claim 1, and in new claim 5, references in each of these two claims to an algorithmic formula is made in terms of specific references to Tables III and IV, rather than to the specific mathematical expressions of the particular algorithmic functions (formulae) set forth clearly in Tables III and IV. Should the Examiner determine that it is preferable that claims 1 and 5 contain such mathematical expressions in full *per se*, applicant will certainly accommodate that wish by appropriate additional claim revisions, and regarding this point, applicant invites the Examiner to call applicant's attorney of record, Jon M. Dickinson, at 503-504-2271, to hold an appropriate

discussion if, in the Examiner's view, that might seem will be helpful.

The other claims now remaining in this application on the basis of entry of the present Amendment, which other claims depend variably from currently amended claim 1, and from new claim 5, further limit the expression of applicant's invention, and are allowable for the same reasons that their parent claims are allowable over the cited and applied art.

Accordingly, all claims now presented in the application contain limitations which clearly direct attention to important distinguishing features of applicant's invention nowhere shown or suggested in, or by, the cited and applied prior art. For this reason, applicant asserts that all claims now remaining in this case are fully in conditions for formal allowance, and respectfully requests such action.

Provisional Request for Extension of time in Which to Respond

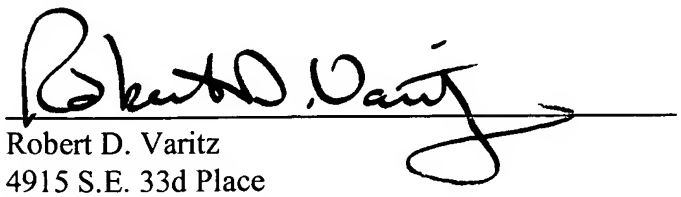
Should this response be deemed to be untimely, Applicants hereby request an extension of time under 37 C.F.R. § 1.136. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any over-payment to Account No. 22-0258.

Customer Number

55428

Respectfully Submitted,

ROBERT D. VARITZ, P.C.



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